

Douglas J. Nash  
Partner

May 4, 2021

**VIA CM/ECF**

Hon. Christian F. Hummel  
United States District Court  
Northern District of New York  
445 Broadway, Room 441  
Albany, New York 12207

Re: **Novartis Pharma AG et al. v Regeneron Pharmaceuticals, Inc.**  
**Case No. 1:20-cv-00690-TJM-CFH**

Dear Judge Hummel:

Along with Weil, Gotshal & Manges LLP, we represent the defendant, Regeneron Pharmaceuticals, Inc. (“Regeneron”), in the above-referenced case. Regeneron respectfully submits the following brief response to the correspondence filed earlier today by the plaintiffs, Novartis Pharma AG, Novartis Pharmaceuticals Corporation, and Novartis Technology LLC (collectively, “Novartis”) [Dkt. 39].

For the reasons set forth in Regeneron’s prior correspondence to the Court dated April 16, 2021 [Dkt. 37], Regeneron respectfully requests that the Court either continue the stay currently in effect, or issue a new stay, pending the outcome of Regeneron’s *Inter Partes* Review petition in the Patent Trial and Appeal Board of the U.S. Patent & Trademark Office, as it is highly likely to moot Novartis’s infringement claim at issue here. Alternatively, pursuant to Local Rule 7.1(a)(2), Regeneron respectfully requests a court conference to discuss a continued stay, or a briefing and hearing schedule on a motion by Regeneron seeking that relief.

If, however, the Court is inclined to permit this case to move forward during the pendency of a motion for a continued stay, Regeneron requests that the Court should instruct the parties to address all that needs to be done in this case in the Civil Case Management Plan and Patent Schedule submitted in advance of a Rule 16 conference. In doing so, the Court should require the parties to address their respective positions as to what would happen to the schedule in this case in the event that the SDNY Case were transferred to this Court, or if one or more of the claims in the SDNY Case are determined by that court to be compulsory counterclaims here.

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Thank you for the Court's time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas J. Nash", with a long horizontal flourish extending to the right.

Douglas J. Nash

cc: Counsel of Record (*via CM/ECF*)